

IN THE UNITED STATES DISTRICT COURT OF  
THE SOUTHERN DISTRICT OF ILLINOIS

MARK FULK,  
600 S. Oak  
Farina, IL 62838

Plaintiff,

v.

BNSF RAILWAY COMPANY,

Defendant.

Serve: CT Corporation System  
Registered Agent  
208 So. LaSalle St., Ste. 814  
Chicago, IL 60604-1101

Cause No. 06-845-MJR

**JURY TRIAL DEMANDED**

**COMPLAINT**  
**Federal Employers' Liability Act**

COMES NOW Plaintiff, Mark Fulk, by and through his attorneys, Rathmann & O'Brien, L.L.C. and for his cause of action against the Defendant, BNSF RAILWAY COMPANY (hereinafter referred to as "BNSF"), a corporation, states:

1. Plaintiff, Mark Fulk, is and was at all times relevant a resident of Farina, Illinois.
2. Defendant, BNSF, is a corporation duly organized and existing according to law and duly authorized to engage in, and was engaged in, business as a common carrier by railroad in interstate commerce in the State of Illinois and specifically in the

territory which comprises the United States District Court of the Southern District of Illinois.

3. Plaintiff was employed by defendant in interstate commerce and, therefore, is entitled to bring his cause of action set forth below under a federal statute known as the Federal Employers Liability Act, 45 U.S.C. Section 51 et seq.

4. This District Court has original jurisdiction of this action pursuant to 28 U.S.C. Section 1331, a federal question arising under the law of the United States of America.

5. Venue of this action is proper in the United States District Court for the Southern District of Illinois pursuant to the terms of the Federal Employers Liability Act, 45 U.S.C. Section 51 et seq.

6. That on or about April 11, 2006 while employed as a signalman for the defendant, BNSF, and during the course of his employment, plaintiff was seriously and permanently injured while working on a signal bridge a signal light blew over striking plaintiff and pinned him against other equipment, causing plaintiff to be injured.

7. Plaintiff's hereinafter stated injuries and damages were due in whole or in part as a result of the negligent acts or omissions of the defendant in one or more of the following particulars:

- (a) It failed to provide reasonably safe conditions for work; or
- (b) It failed to provide reasonably safe appliances; or

- (c) It failed to provide reasonably safe methods of work; or
- (d) It failed to provide reasonably adequate and/or sufficient help; or
- (e) It failed to provide Plaintiff with a reasonably safe place to work; or
- (f) It failed to adequately inspect, service and maintain its equipment.

8. As a result of the aforementioned conduct of the Defendant, Plaintiff was caused to suffer the following serious, painful, and permanent injuries, to-wit: Plaintiff suffered injuries to his lumbar region specifically his: low back, upper back, both knees, and adjacent structures; Plaintiff was caused to undergo medical treatment, tests and x-rays for same conditions.

9. Plaintiff states that, by reason of the foregoing, Plaintiff was required to undergo necessary medical, therapeutic care and treatment, and that Plaintiff incurred and became obligated for the aforesaid care and treatment; Plaintiff will in the future be caused to expend further such sums for medical treatment

10. Plaintiff states that as a direct and proximate result of the aforesaid occurrence and the negligence of Defendant, its agents, servants and employees, Plaintiff sustained an injury with past wage loss and future loss of earning capacity, loss of enjoyment of life, mental anguish, pain and suffering. Plaintiff's ability to work, labor, and enjoy the

normal pursuits of life has been impaired and lessened all to Plaintiff's damage in a sum to be determined.

WHEREFORE, Plaintiff, Mark Fulk, prays for trial by jury and judgment against the defendant, BNSF Railway Company, in a sum fair and reasonable, in excess of \$75,000.00 which is the jurisdictional limit of the Court, together with his costs expended herein.

RATHMANN & O'BRIEN, L.L.C.

/s/ Patrick S. O'Brien

PATRICK S. O'BRIEN #3127549

1031 Lami Street

St. Louis, Missouri 63104

(314) 773-3456 (Telephone)

(314) 773-7238 (Facsimile)

*Attorneys for Plaintiff*